

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07cv11**

**ELENA M. DAVID; ARLEEN J. STACH; and  
VICTOR M. HERNANDEZ,**

**Plaintiffs**

**Vs.**

**ORDER**

**J. STEELE ALPHIN; AMY WOODS  
BRINKLEY; EDWARD J. BROWN, III;  
CHARLES J. COOLEY; RICHARD M.  
DeMARTINI; BARBARA J. DESOER;  
JAMES H. HANCE; LIAM E. McGEE;  
EUGENE M. McQUADE; ALVARO G.  
de MOLINA; MICHAEL E. O'NEILL;  
OWEN G. SHELL, JR.; R. EUGENE  
TAYLOR; F. WILLIAM VANDIVER, JR.;  
BRADFORD H. WARNER; CHARLES W.  
COKER; STEVEN JONES; KENNETH D.  
LEWIS; BANK OF AMERICA  
CORPORATION; BANK OF AMERICA  
CORPORATION CORPORATE  
BENEFITS COMMITTEE,**

**Defendants.**

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**THIS MATTER** is before the court on the joint Motion to Amend Case Management Plan. In such motion, the parties acknowledge this court's desire to have this case resolved as it is now one of the oldest civil cases pending in the district, having been filed more than three years ago. In the instant motion, the parties ask that

this court stay all proceedings, except as to non-disputed discovery that has already been served, responses to interrogatories already served by defendants, and that during the time it takes to resolve defendant's Motion for Summary Judgment on statute of limitations grounds, discovery shall be limited to matters relevant to such motion.

The court is most hesitant to grant the requested relief. Review of the pleadings reveals that to this point, the court has entered more than a dozen orders and that progress in this matter has been painfully slow. On the other hand, the parties agree that engaging in merits discovery will result in a waste of resources if the court finds that the statute of limitations has run on plaintiffs' claims. While this motion will be allowed, the parties are advised that the court will fast track the Motion for Summary Judgment, with little to no *further* extensions to the summary judgment briefing schedule.

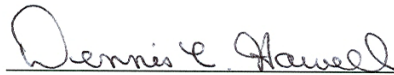
Having considered the joint motion and reviewed the pleadings, the court enters the following Order.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the joint Motion to Amend Case Management Plan (#172) is **GRANTED**, proceedings in this matter are STAYED except as follows:

- (1) defendants shall complete their production of documents responsive to discovery that has already been served;
- (2) plaintiffs will serve responses to interrogatories already served by defendants;
- (3) all remaining discovery shall be limited to matters relevant to defendants' motion for summary judgment;
- (4) plaintiffs' Response to defendants' motion shall be due October 8, 2010;  
and
- (5) defendants' Reply shall be due October 18, 2010.

Signed: June 14, 2010

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Dennis L. Howell  
United States Magistrate Judge

